

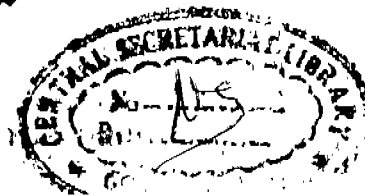


भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा लके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 4th March, 1994:—

I

BILL NO. X OF 1994

A Bill to constitute a National Commission for protecting rights and interests of children and to provide for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Commission or Children Act, 1994.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act unless the context otherwise requires,—

(a) "Chairperson" means the Chairperson of the Commission constituted under this Act;

(b) "Child" means a person male or female below eighteen years of age;

(c) "Commission" means the National Commission for Children, constituted under section 3;

Short
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and
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ment.

Defini-
tions.

(d) "prescribed" means prescribed by rules made under this Act;

(e) "Vice-Chairperson" means the Vice-Chairperson of the Commission constituted under this Act.

CHAPTER II

THE NATIONAL COMMISSION FOR CHILDREN

Constitution of National Commission for children.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the National Commission for Children, to exercise the powers conferred on and to perform the functions assigned to it, under this Act.

(2) The Commission shall consist of—

- (a) a Chairperson
- (b) a Vice-chairperson
- (c) five Members

to be nominated from amongst persons of eminence connected with socio economic development and welfare of children including representatives of voluntary philanthropic welfare organisations by the Central Government:

Provided that at least two of these Members shall be women.

Term of office and conditions of service of Chairperson, Vice-Chairperson and Members.

4. (1) The Chairperson, Vice-Chairperson and every Member shall hold office for such period not exceeding three years as may be specified by Central Government in this behalf.

(2) The Chairperson, Vice-Chairperson or a Member may, by notice in writing, addressed to the Central Government, resign from his office at any time.

(3) The Central Government shall remove a person from the office of Chairperson, Vice-Chairperson or a Member if he—

- (a) becomes an undischarged insolvent;
- (b) is convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or
- (f) in the opinion of the Central Government has so abused the position of Chairperson, Vice-Chairperson or Member as to render that person's continuance in office, detrimental to the public interest:—

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

(4) A vacancy under sub-section (2) or sub-section (3) or otherwise shall be filled by fresh nomination and a person so nominated shall hold office for the unexpired period of the term for which his predecessor in office would have held office if such vacancy has not arisen.

(5) The salaries and allowances payable to and other terms and conditions of service of the Chairperson, Vice-Chairperson and Members shall be such as may be prescribed.

5. (1) The Central Government shall provide the Commission with such officer and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

Officers and other employees of the Commission.

(2) The salary and allowances payable to, and other terms and conditions of service of, the officers and the employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. No act or proceeding of the Commission shall be called in law question or be invalid on the ground merely of the existence of any vacancy or defect in the Constitution of the Commission.

Vacancy, etc. not to invalidate the proceedings.

7. (1) The Commission may appoint such committees as may be necessary for dealing with such special issues as may be taken up by the Commission from time to time.

Committees of the Commission.

(2) The Commission shall have the power to co-opt as members of any committee appointed under sub-section (1) such number of persons who are not Members of the Commission, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the Committee and take part in its proceedings but shall not have the right to vote.

(3) The persons so co-opted shall be entitled to receive such allowances for attending the meetings of the Committee as may be prescribed.

8. (1) The Commission (or a committee thereof) shall meet as and when necessary at such time and place as the Chairperson may think fit.

Procedure to be regulated by the Commission.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Chairperson or any other officer of the Commission duly authorised by the Chairperson in this behalf.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

9. (1) The Commission shall perform all or any of the following functions, namely:—

Functions and Powers of the Commission

(a) investigate and examine all matters relating to the safeguards provided for children under the Constitution and other laws;

(b) present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the implementation of those safeguards;

(c) make recommendations in the reports for the effective implementation of those safeguards for improving the conditions of children by the Union or any State;

(d) review, from time to time, the existing provisions of the Constitution and other laws affecting children and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations;

(e) take up the cases of violation of the provisions of the Constitution and of other laws relating to the safeguards provided for children with the appropriate authorities;

(f) look into complaints and take *suo moto* notice of matters relating to—

(i) deprivation of children's rights and discrimination against the girl child;

(ii) non-implementation of laws enacted to provide protection to children and also to achieve the objective of equality and development;

(iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to children and take up the issues arising out of such matters with appropriate authorities;

(g) call for special studies or investigations into specific problems or situations arising out of exploitation and atrocities against children and identify the constraints so as to recommend strategies for their removal;

(h) prepare plans and programmes for educational and general development of children, issue directions for implementation thereof, and monitor and evaluate the progress of the development of children under the plans of the Union or any State;

(i) inspect or cause to be inspected a jail, children home, remand home and other institutions or other place of custody where children are kept as prisoners or otherwise, and take up with the concerned authorities for the remedial action, if found necessary;

(j) provide funds for litigations involving issue concerning a large body of children;

(k) make periodical reports to the Central Government on any matter pertaining to children and in particular various difficulties under which the deprived children toil;

(l) recommend to the Central Government specific programmes of action towards elimination of exploitation of child workers and proper development of their personality including their education and training; and other institutions set up under the Juvenile Justice Act, 1986;

(m) suggest plans for abolition of begging by children in various forms and development of the personality of such children and their education and training;

(n) suggest programmes for rehabilitation of delinquent children;

(o) study and suggest improvements in the maintenance and functioning of children homes, remand homes, reformatory schools and other institutions set up under the Juvenile Justice Act, 1986;

53 of 1986.

(p) evolve effective steps including provisions of deterrent punishment to eliminate exploitation of girl child, including child rape;

(q) lay down programmes for abolition of bonded child labour, including identification and rehabilitation of such children;

(r) regulate adoption of destitute children including expatriation of such children by foreign foster parents;

(s) evolve programmes for effectively preventing child abuse, in general;

(t) regulate orphanages and other such philanthropic institutions engaged with the welfare of destitute and indigent children;

(u) investigate specific grievances and take notice of matters relating to non implementation or violation of directions;

(v) take cognizance of cases of child marriages in violation of Child Marriages Restraint Act, 1929;

19 of 1929

(w) make periodical reports to Central and State Governments; and

(x) any other matter referred to it by Central Government.

(2) The Central Government shall cause all the reports referred to in clause (b) of sub-section (1) to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(3) Where any such report or any part thereof relates to any matter with which any State Government is concerned, the Commission shall forward a copy thereof to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(4) The Commission shall, while investigating into any matter referred to in clause (a) or sub-clause (1) of clause (f) of sub-section (1), have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

CHAPTER-IV

FINANCE, ACCOUNTS AND AUDIT

Grants
by the
Central
Govern-
ment.

10. (1) The Central Government shall, after due appropriation made by parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

(2) The Commission may spend such sums as it think fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Accounts
and
Audit.

11. (1) The commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor General generally has in connection with the audit of Government accounts and, in particular shall have the right to demand the production of books, accounts connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other persons appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government by the Commission.

Annual
Reports.

12. The Commission shall prepare in such form and at such time for each financial year as may be prescribed, its annual Report of previous financial year and forward a copy thereof to the Central Government,

Annual
Report
and
Audit
Report
to be
laid
before
Parlia-
ment.

13. (1) The Central Government shall cause the annual report to be laid before each House of Parliament alongwith the memorandum explaining the action taken or proposed to be taken on the recommendations contained therein in so far as they relate to the Central Government and the reasons for the non-acceptance if any, of any such recommendations.

(2) Where the said report or any part thereof relates to any matter with which a State Government is concerned, a copy thereof shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State alongwith a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any such recommendations.

CHAPTER V

MISCELLANEOUS

45 of 1960.

14. The Chairperson, Vice-Chairperson, Members, officer and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Chairperson, Vice-Chairperson, member and staff of the Commission to be public servants.

15. The Central Government shall consult the Commission on all major policy matters affecting the children.

Central Government to consult Commission.

16. The Commission may, by general or special order, delegate to the Chairperson, Vice-Chairperson, or any Member or to any officer of the Commission subject to such conditions and limitations, if any, as may be specified therein, such of its powers and duties under this Act as it may deem fit.

Delegation of Powers.

17. No suit, prosecution or other legal proceedings shall lie against the Central Government, Commission, Chairperson, Vice-Chairperson, Members or any officer or other employee of the Commission for anything which is done in good faith or intended to be done under this Act.

Protection of action taken in good faith.

18. (1) The Central Government may, by notification in the Official Gazette make rules for carrying out the purpose of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) salary and allowances payable to, and the other terms and conditions of service of, the Chairperson, Vice-Chairperson and Members under sub-section (5) of section 4 and of officers and other employees of the Commission under sub-section (2) of section 5;

(b) the form in, and the time at, which the annual report shall be prepared under section 11;

(c) any other matter which is required to be or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in Session for a total period of thirty days which may be comprised in one Session or in two or more successive sessions, and if, before the expiry of the Session immediately following the Session or the successive sessions aforesaid, both Houses, agree in making any modification in the rule or both Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Various provisions of the Constitution of India, such as Articles 24, 41 and 45 and numerous laws enacted so far by the Parliament and State Legislature have failed to protect the child against exploitation and abuse. Headlines in newspapers and magazines cry hoarse about the apathy and indifference of the society to child abuse. An article captioned "Sad, whispering world of the abused child" in the Pioneer of November, 17 1993 gives revealing account of the child abuse that continues unabated.

Child labour including the bonded child labour continues to be exploited. Children who deserve toys have to handle tools and material, as hazardous as hot molten glass and articles that go into the making of fire-works and matches, obviously in blatant violation of the provisions of Article 24. Eyes of the world over, are fixed on the child labour exploitation in glass factories in Ferozabad, match sticks and fire-works factories of Sivakasi and carpet industry of Mirzapur, Badhoi and Varanasi.

Again in brazen violation of article 23 of the Constitution bonded and other children continue to be exploited, abused and even subject to trafficking. Numerous children are sent abroad by various means both legal and illegal and are subjected to exploitation and abuse for mere amusement and entertainment. Many children find themselves in bondage even before they see the light of the day, and are subjected to exploitation born to bonded parents. The girls child amongst this neglected and bonded lot finds itself in more vulnerable position, being open to various forms of exploitation including child-rape.

It is, therefore, necessary to create a National Commission to identify and take cognizance of this rampant exploitation and abuse of the children and provide for effective safe-guards to give effect to the provisions of the Constitution and to evolve programmes and schemes for enforcing the same. The need for providing a central agency to study, evaluate and monitor the functioning of the numerous public and private organisations in the field, protecting and safe-guarding the rights and interests of the children and promoting the welfare of these children cannot be overemphasized.

The Bill seeks to achieve the above mentioned objectives.

VEENA VERMA.

FINANCIAL MEMORANDUM

Clause 3 of the Bill proposes to establish a National Commission for Children consisting of a Chairperson, Vice-Chairperson and Members. Under Clause 4 the salary, allowances and other terms and conditions of service of the Chairperson, Vice Chairperson and members are to be prescribed by the Central Government by rules. The Central Government has, in terms of clause 5 of the Bill, to provide the Commission with adequate staff. The salary, allowances and other terms and conditions of the officers and employees provided to the Commission are to be prescribed by the Central Government by rules under clause 5.

Clause 10 contemplates payments to the commission by way of grants for being utilized for the purposes of this Act.

The total recurring expenditure on account of salaries, allowances and establishment of the Commission would be approximately three crores per annum besides a non-recurring expenditure of around rupees one crore for carrying out for the purposes of the Commission.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The matters in respect of which such rules may be made are specified in sub-clause (2) of the said clause. They relate to salaries, allowances and other terms and conditions of services of the Chairperson, Vice-Chairperson, Members, officers and other employees of the Commission and the form in which and time and place at which the annual report shall be prepared. The matters with respect of which rules may be made are matter of procedure or detail.

The delegation of the legislative powers is, therefore, of a general character.

II

BILL NO. VI OF 1994

A Bill to provide for the prevention of environmental pollution by wine, beer, spirituous liquor and alcohol producing distilleries which discharge toxic fumes in the air and dangerous chemicals in the water and for matters connected therewith.

Be it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Environment Pollution by Distilleries Act, 1994.

(2) It extends to whole of India.

(3) It shall come into force at once.

Short
title
extent,
and
commen-
cement.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State the Government of that State and in all other cases the Central Government;

(b) “distillery” means unit or establishment engaged in producing wine, beer spirituous preparation or alcohol either for consuming purposes or industrial purposes;

(c) “prescribed” means prescribed by rules made under this Act;

Defini-
tions.

(d) Words and expressions used but not defined in this Act and defined in the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 shall have the same meaning as assigned to them in these Acts.

6 of 1974,
14 of 1981,
29 of 1986.

Appropriate Government to prescribe norms for the distilleries.

3. The Appropriate Government shall, by notification in the Official Gazette, prescribe the norms for the working and production by every distillery functioning within its territorial jurisdiction within a period of six months after the commencement of this Act.

Distilleries not to discharge chemical fumes in the air and effluents in the running water.

4. (1) There shall be no discharge of Chemical fumes in the air and waste chemical effluents in the running water by the distilleries.

Provided that the appropriate Government may, by notification in the Official Gazette, prescribe, the level to which and the manner in which the fumes or effluents may be discharged by the distilleries during their processing period.

(2) whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

Distilleries to instal anti-pollution devices.

5. Every distillery shall, within a period of one year, from the date of commencement of this Act, instal such anti-pollution devices at the conspicuous places in its premises and in such manner as may be prescribed.

Penalties.

6. (1) Where a distillery contravenes the provisions of Section 4, every Director, Manager, Secretary, Agent or any other Officer or person concerned with the management thereof shall be punishable with imprisonment which may extend up to five years or with fine which may extend up to one lakh rupees or both.

(2) If there is a contravention of the provisions of Section 5 the punishment shall be imprisonment which may extend up to seven years or with fine which may extend up to one lakh and ten thousand rupees or with both.

Overriding effect of the Act and rules made thereunder, Power of make rules.

7. The provisions of this Act and any rules made there under shall apply notwithstanding anything inconsistent contained in any other law for the time being in force.

8. The Central Government, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There are a large number of distilleries throughout the country producing wine and beer for consumption purposes and alcohol and other spirituous preparations for industrial purposes. These distilleries use various chemicals and other raw materials for manufacturing their products. In the process of manufacturing they discharge toxic fumes in the air which pollute the air making the environment nearly poisonous. The people who live nearby such distilleries develop various respiratory diseases including the dreaded cancer. Their life becomes a hell because they have to live under unbearable odour of the toxic fumes. Similarly these units also discharge untreated chemical effluents in the running water of drains which ultimately go into the nearby rivers and pollute these rivers endangering the species in such rivers particularly the fish. It is, therefore, necessary to prevent these distilleries from polluting the environment.

Accordingly, it has been suggested in this Bill that the Central and State Governments will fix norms for the working of these distilleries and also fix the level of toxic fumes and chemical effluents which may be discharged in the air and water by them. The Bill provides for installation of anti-pollution system by the distilleries within the stipulated period. Distilleries which violate these provisions must get exemplary punishment.

Hence this Bill.

SURESH PACHOURI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of a normal character.

III

BILL NO. IX OF 1994

A Bill to provide for the prohibition of production, sale and distribution of soaps, detergent cakes and powders containing washing soda and other chemicals in excess which are harmful to the hands or other parts of the human body as well as to the clothes and environment to which such soaps, cakes or powders are applied or released and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Forty-fifth year of the Republic of India as follows:—

1. (1) This Act may be called the Harmful Soaps, Detergent cakes and Powders (Prohibition of Production, Sale and Distribution) Act, 1994.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State the Government of that State and in all other cases the Central Government;

(b) “detergent cake” means a cake of soap containing cleansing agents therein used for cleansing purposes;

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ment.

Defini-
tions.

(c) "detergent powder" means cleansing powder containing cleansing agents used for cleansing purposes;

(d) "harmful soap" means a cake of soap or its powder containing washing soda and other chemicals in excess which is harmful to the human skin and is pollutant to the environment;

(e) "label" means a display of written, marked, stamped printed or graphic matter affixed to or appearing upon the wrapper of a soap or detergent cake or the container of the detergent powder;

(f) "prescribed" means prescribed by rules made under this Act.

Bureau of
Indian
Standards
to pres-
cribe stan-
dards for
soap,
detergent
cakes
and
powders.

3. Notwithstanding anything contained in the Bureau of Indian Standards Act, 1986, it shall be the duty of the Bureau of Indian Standards to determine the minimum standards for washing soda and other chemicals to be added to the soaps, detergent cakes and powders in such manner as may be prescribed.

Prohibi-
tion of
produc-
tion of
harmful
soaps,
detergent
cakes
and
detergent
powders.

4. (1) The production of harmful soaps, detergent cakes and powders in violation of the standards prescribed under section 3 is hereby prohibited.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

Prohibi-
tion of
sale
and
supply
of harmful
soaps,
detergent
cakes,
and
detergent
powders.

5. No person shall supply, distribute or keeps for sale any harmful soap, detergent cake and powder which has been manufactured in violation of the provisions of section 3 if such person has reasons to believe that the soaps, detergent cakes and powders kept by him for sale contain harmful agents which may affect the hands or other parts of the body of its user or which may cause pollution in the environment in any manner.

Wrapper
or con-
tainer to
display
details
of chemi-
cals used.

6. (1) The wrapper or the container of every soap detergent cake and powder shall indicate in a clear and conspicuous manner the chemicals cleans- ing agents and other materials used therein.

(2) The wrapper and container of every soap, detergent cake and powder shall indicate in clear and conspicuous manner the name and address of its manufacturer.

Food Ins-
pectors to
administer
the Act.

7. Notwithstanding anything contained in any other law for the time being in force the food inspectors of the appropriate Government shall administer the provisions of this Act in such manner and exercise such powers as may be prescribed.

8. Whoever contravenes the provisions of section 4 or section 5 or section 6 shall be punishable with imprisonment which may extend to five years or with fine which may extend to thirty thousand rupees or with both.

Panalties,

9. Where a person committing an offence under this Act is a company or any other body corporate or an association of persons, whether incorporated or not, every Director, Manager, Secretary, Agent or other Officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

Offence
by com-
panies.

10. The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Over-
riding
effect
of the
Act and
rules
made
there-
under.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power
to make
rules.

STATEMENT OF OBJECTS AND REASONS

It has been observed that in various parts of the country particularly in the rural and some urban areas spurious soaps, detergent cakes and powders are freely sold in retail and are widely used by consumers. These harmful products have adverse effect on the skin of the users. While using these products their hands and other parts of the body get in touch with the excess washing soda and other chemicals used in these products which pierce the skin of the users and cause wounds therein. After sometime the wounds turn into eczema and other skin ailments. Women are the worst sufferers because they mainly use these products. It is, therefore, necessary to prohibit the production, sale and distribution of these products in the larger public interest so that it will have deterrent effect on the manufacturers of these products.

Hence this Bill.

SURESH PACHOURI.

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the Act will be administered by the Food Inspectors of the appropriate Government. The Bill, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees eight lakhs will involve as recurring expenditure from the Consolidated Fund of India per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives the power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of a normal character.

IV

BILL NO. VIII OF 1994

A Bill to provide for the compulsory periodic repairs of highways, including national highways and roads and proper maintenance and upkeep of such highways and roads by the Central and State Governments and provisions for public utility services, ambulance and crane services at strategic points of highways and roads and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Maintenance of National Highways and Roads Act, 1994.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

(a) “ambulance service” means a vehicle attached with necessary first aid medical equipments and medicines and trained attendant for conveying road accident victims to the nearest hospital or medical centre;

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and com-
mence-
ment.

Defini-
tions.

(b) "appropriate Government" means in the case of a State the Government of that State and in all other cases the Central Government;

(c) "crane service" means heavy vehicle equipped with an appropriate machine for raising and towing away broken down vehicles on highways and roads;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "public utility service" includes toilet and urinal with flush system, public telephone booths etc. to be provided on highways and roads.

Appropriate Government to undertake periodic repairs of highways and roads.

3. It shall be the duty of the appropriate Government to undertake periodical repairs of highways including national highways and roads falling within its territorial jurisdiction to enable smooth flow of traffic on such highways and roads and also to maintain and unkeep such highways and roads in such manner as may be prescribed.

Public utility services on highways and roads.

4. The appropriate Government shall provide and maintain public utility services at conspicuous places on the highways and roads falling within its territorial jurisdiction in such manner as may be prescribed.

Ambulance services

5. The appropriate Government shall provide adequate ambulance services at such strategic points on highways and roads within its territorial jurisdiction as may be determined by the appropriate Government in this behalf to provide timely ambulance service to the road accident victims.

Crane services.

6. The appropriate Government shall provide adequate crane services on the highways and roads falling within its territorial jurisdiction in such manner as may be prescribed for towing away broken down vehicles on the highways and roads.

Central Government to provide funds.

7. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for securing purposes of this Act.

Central Government to compile annual report.

8. The Central Government shall prepare an annual report, in such form and in such manner as may be prescribed on the progress made by each state in implementation of the provisions of this Act and submit to it to the president who shall cause the report to be laid before each House of Parliament, as soon as may be, after it is received by him.

Savings.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

10. The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act,

STATEMENT OF OBJECTS AND REASONS

The national highways, highways and roads are not only essential for travelling from one place to another but in fact they are the lifeline of our economy. Majority of essential commodities and industrial products are transported from one place to another through road transport. The road transport maintains the availability of our daily necessities and strengthens the economy. But unfortunately the national highways, highways and roads are in worst conditions. They are full of potholes which cause avoidable damage to the vehicles plying on them which ultimately results in national loss. Driving vehicles, on damaged roads causes strains to the driver and vehicles consume more petroleum products which have already become scarce, not only in our country but throughout the world. Thus it is necessary to maintain and repair the highways and roads periodically to keep them in good conditions.

It has also been observed that road accident victims on roads particularly on the national highways do not get timely medical aid because they are not taken to nearby medical centres and hospitals in time. If adequate ambulance service is provided many precious lives can be saved. Similarly many vehicles break down on roads and if not removed in time they cause traffic disruption. In order to tow away the broken vehicles crane service is necessary. The public utility services are also necessarily to be provided on road and highways.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the Central Government shall provide adequate funds for carrying out the purposes of this Bill. The Bill, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India, it is estimated that a sum of rupees one thousand crores will be required as recurring expenditure per annum from the Consolidated Fund of India.

A sum of rupees ten crores is also likely to be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

V

Bill No. IV OF 1994

A Bill to provide for prohibition of dumping of arms and making political speeches in religious places and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Dumping of Arms and Making Political Speeches in Religious Places Act, 1994.

Short
title,
extent
and
commen-
cement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires, "religious place" means a temple, mosque, gurudwara, church, monastery or any place of public worship by whatever name called.

Defini-
tion.

Prohibition of dumping of arms and ammunition in religious places.

3. (1) Notwithstanding anything contained in any other law for the time being in force dumping of arms and ammunition in religious places is hereby prohibited.

(2) The District Magistrate in every district shall make an inspection of every religious place in the district fortnightly and shall make a report thereon to the State Government.

Prohibition of making political speeches in religious places.

4. (1) Notwithstanding anything contained in any other law for the time being in force no political speech shall be made at any religious place for propagating political ideas.

(2) If the provisions of sub-section (1) are violated the District Magistrate of the District shall report the matter to the State Government in writing.

Penalties.

5. Whoever contravenes the provisions of section 3 or section 4 shall be punishable with imprisonment for a term of two years or with fine of rupees five thousand or with both and such religious place shall be sealed forthwith till the matter is disposed of by a court of law, having jurisdiction over such a place.

Savings of other laws.

6. The provisions of this Act shall be in addition to and not in derogation of the Religious Institutions (Prevention of Misuse) Act, 1988 or any other law for the time being in force.

41 of 1988.

STATEMENT OF OBJECTS AND REASONS

In the recent happening at Hazratbal Shrine in J & K State the militants had entered into the Shrine and had dumped arms, ammunitions and latest types of weapons and had also trapped innocent persons in the Shrine for more than one month. Such incidents also occurred in the past in Punjab where militants and leaders used the Gurudwaras for achieving their political ends. These tendencies have been increasing for the last 3-4 years where temples, mosques are being used for achieving the political benefits. In view of this there is an urgent need to bring the legislation to curb the misuse.

Hence this Bill.

MENTAY PADMANABHAM

V. S. RAMA DEVI
Secretary-General.

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